IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

CRP.No. 25 of 1999(I)

S.M.60/76/B OF THE TALUK LAND BOARD, TIRUR.

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REVN. PETITIONER/CLAIM PETITIONER:

MALAKKAPARAMBIL BAVAKUTTY ALIAS KUNHAPPU,
S/O.BAPPU, LPURATHUR, TIRUR TALUK, MALAPPURAM DIST.

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENTS:

1. THE STATE OF KERALA, REPRESENTED BY CHIEF SECRETRARY, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE TALUK LAND BOARD, TIRUR.

3. THE TAHSILDAR, TIRUR.

4. BALAN, S/O.KUNHIKRISHNAN,
KARUKAYIL HOUSE, PURATHUR, TIRUR TALUK.

R1 TO R3 BY GOVERNMENT PLEADER SRI SHYSON MANGUZHA
R4 BY ADV. SRI.A.P.CHANDRASEKHARAN
SMT.PRABHA R.MENON
SRI.M.KRISHNAKUMAR(MOHANKUMAR ASSOCIATES
SRI.KODOTH PUSHPARAJAN

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 19/02/2007, ALONG WITH CRP NO.27 & 67 OF 1999, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CMP.NO.38/1999 IN CRP.NO.25/1999

Dismissed

19/2/2007 Sd/- P.R.RAMAN, JUDGE.

P.R.RAMAN,J.

C.R.P.NOS.25, 27 & 67 OF 1999

Dated this the 19th day of February, 2007

O R D E R

These revision petitions are filed under Section 103 of the Kerala Land Reforms Act challenging the order of the Taluk Land Board in the S.M.No.60/76/B. The prime contention raised by the petitioners are as follows:

2. In C.R.P.No.25/99 the petitioner is stated to be in possession of an extent of 62.5 cents of land in R.S.No.156/1 of Purathur Village in Tirur Taluk as per registered document of the year 1978 obtained from the land holder or his successor in interest as the case may be for valid consideration. Similarly, an extent of 24 cents of land in R.S.No.156/3 was also purchased as per document of the year 1983.

3. In C.R.P.No.27/1999 an extent of 54 cents of land in R.S.No.153/6 and another extent of 57 cents of land in R.S.No.157/2 were acquired by the father of the petitioners herein by registered document of the year 1973.

4. In C.R.P.No.67/99 an extent of 31 cents of land in R.S.No.153/10 and an extent of 22 cents of land in R.S.No.153/11 were acquired by the petitioner herein as per the document of the year 1977.

5. It is contended that the petitioners are bona fide purchasers and hold only an extent of less than four hectares in their possession. The Taluk Land Board obviously rejected the contention, as the transaction in question was on 1/1/1970 and it is hit by the provisions in Section 83 of the Kerala Land Reforms Act as it stood then. But subsequently

by Act 21/2006 a new Section 7E was inserted. As per the said provision, a person, who is in possession of any land not exceeding four hectares in extent, acquires by him or his predecessor in interest by way of purchase or otherwise on payment of consideration from any person holding land in excess of the ceiling area, during the period between the date of commencement of the Kerala Land Reforms Act, 1963 (Act 1 of 1964), is deemed to be a tenant entitled to fixity of tenure. Section 84 was also accordingly amended by inserting Sub Section 4 therein enabling the Land Board to reopen such cases so as to give effect to the provisions contained in Section 7E as noticed above except where excess land has been physically taken over and distributed to landless labourers or reserved for public purposes as provided in this Act. In the light

of the newly inserted provision by Act 21/2006, the matter requires reconsideration on merits. The order of the Taluk Land Board as against the petitioners is therefore liable to be set aside.

In the result, these revision petitions are allowed. The inclusion of the land belonging to the petitioners is set aside and the matter is remanded to the Taluk Land Board for re-considering the matter in the light of newly inserted provision as noticed above and to dispose of the matter in accordance with law.

P.R.RAMAN,
Judge.

kcv.

P.R.RAMAN, J.

C.R.P.NOS.25, 27 & 67 OF 1999

O R D E R

19th February, 2007